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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/698,150  | 10/31/2003  | Easwaran Nambudiri   | F-676                     | 9842                   |
| 919   | 7590        | 11/13/2007           |                           |                        |
| PITNEY BOWES INC.<br>35 WATERVIEW DRIVE<br>P.O. BOX 3000<br>MSC 26-22<br>SHELTON, CT 06484-8000 |             |                      | EXAMINER<br>JABR, FADEY S |                        |
|   |             |                      | ART UNIT<br>3628          | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>11/13/2007   | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/698,150 | <b>Applicant(s)</b><br>NAMBUDIRI, EASWARAN |  |
|                              | <b>Examiner</b><br>Fadcy S. Jabr     | <b>Art Unit</b><br>3628                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-12, 14 and 16 have been cancelled. Claims 13 and 15 have been amended.

Claims 13 and 15 remain pending and are again presented for examination.

### ***Response to Arguments***

1. Applicant's arguments filed 10 October 2007 have been fully considered but they are not persuasive.
2. Applicant's amendment with respect to 35 U.S.C. 101 has been fully considered and is therefore withdrawn.
3. Applicant argues that the system of Sansone does not read the barcode and the human-readable numerals that have already been printed on the mail piece. However, Examiner notes that Sansone discloses storing the printer firings in a two-dimensional, non-volatile memory array...comparing the value that is printed on the mail piece to the value decremented in the registers of the meter. The apparatus of the invention determines what is printed on the mail piece by reading the printer firings (that represent the alphanumeric characters or other data produced) and comparing it with the value stored in the non-volatile memory (C. 2, lines 31-44). Further, Sansone discloses an information capture module comprising a droplet image value capture controller...Thus, the memory will store the dollar amount of postage indicated in the indicia (C. 4, lines 26 – C. 5, line 16). Therefore, Sansone discloses reading the alphanumeric characters or other data produced. Furthermore, Montgomery teaches a stand-alone system that would be verifiable using only the human-readable information on the mail piece and the data

encoded in the two-dimensional barcode of the postage indicium (0005). Therefore, Montgomery teaches a system for reading human-readable information and two-dimensional barcode indicia. Moreover, Montgomery teaches a scanning station with barcode readers (0152). Thus, it would have been obvious to include reading means for reading barcode and human-readable information.

4. Applicant argues that the validating performed in Montgomery is performed by the validation computer system which is not part of the postage indicia generation system. However, the end user computer, the central computer system and the postage validation computer system in Montgomery are all connected through the communications links (Figures 16-18). Further, Sansone discloses when one wants to print indicia on a mail piece one places mail piece in the mail piece transport...Controller will cause mail piece transport to move mail piece...Controller will transmit the position data for region of indicia to droplet image value capture processor (C. 4, line 26 – C. 5, line 16). Thus, Sansone also discloses a validation system coupled to the indicia generation system. Further, if a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. It must amount to an invention. In re Venner, 120 USPQ 192 (CCPA 1958), In re Smith, 73 USPQ 394.

5. Applicant argues Briley does not disclose a mailing machine that includes any type of reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals or comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals. However, the combination of Sansone and Montgomery was cited for

teaching the above limitation. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Briley was cited for a control device configured to stop the postage meter device based on a determination (C. 1, line 54 - C. 2, line 5, C. 2, lines 48-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Sansone and Montgomery and include a control device to stop the postage meter system based on a determination.

6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone, U.S. Patent No. 6,361,164 B1 in view of Montgomery et al., US2003/0101143 A1 and Briley et al., U.S. Patent No. 6,860,425 B2, hereinafter referred to as Sansone, Montgomery and Briley.

As per Claims 13 and 15, Sansone discloses a method and system that compares indicia printed on the mail piece with indicia stored in memory, comprising:

- transporting mail pieces along a transport path (C. 4, lines 52-54, also see Figure 4);
- printing a postage indicia on at least some of the mail pieces transported along the transport path, the postage indicia including a barcode and human-readable numerals that represent a postage amount (C. 4, lines 52-54, C. 8, line 66 – C. 9, line 6, also see Figure 9);
- receiving data from a postage security device (C. 6, lines 26-31).

Sansone fails to *explicitly* disclose reading the barcode and the human-readable numerals by using a reader mounted on the mailing machine. However, Sansone discloses a comparator that reads the printed material on a mail piece by reading the printer firings (that represent the alphanumeric characters or other data produced) and comparing it with the value stored in non-volatile memory (C. 2, lines 31-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Sansone and include reading postage indicia from a mailpiece, because it allows the system to validate the authenticity of the mail piece.

Furthermore, Montgomery teaches a scanning station that reads the self-validating postage indicium (two-dimensional barcode) on the mailpiece (0134). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Sansone and include reading the barcode of the mail piece as taught by Montgomery, because it allows the system to determine whether the mail piece is fraudulent or authentic.

Sansone fails to disclose comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals. However, Sansone discloses comparing postage indicia to indicia stored in the register of the postage meter (C. 2, lines 31-44, C. 6, lines 26-31). Moreover, Montgomery teaches validating mail piece postage by comparing barcode data to human-readable information (0134). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Sansone and include comparing a variety of postage indicia to determine whether they match or not as taught by Montgomery, because it allows the system to determine whether the mail piece is fraudulent or authentic.

Sansone fails to disclose halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals. However, Sansone discloses the system taking account of the comparison when a mismatch occurs and resetting the system (C. 5, lines 58-62, C. 6, lines 26-37). Further, Briley teaches halting operation of the system when the sensor determines that no postage indicia was printed on the media by the print head, where the control device controls operation of postage meter device in accordance with the results of the sensor

determination (C. 1, line 54 – C. 2, line 5, C. 2, lines 48-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Sansone and Montgomery and include stopping the operation of the system when a mismatch occurs as taught by Briley, because it allows the system user to correct the mismatch and determine if the mail piece is of a fraudulent nature.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is



respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

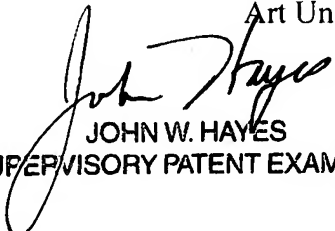
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr  
Examiner  
Art Unit 3628

FSJ

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER

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